

643-0150/ 4845-6906-2789

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Attorneys for Defendants

JOHN K. WOLF and BARR NUNN TRANSPORTATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X
GLENN JONES,

Plaintiff(s),

vs.

NOTICE OF REMOVAL

JOHN K. WOLF, BARR NUNN
TRANSPORTATION JOHN DOES AND JOHN
DOES 1 - 20 (representing presently unidentified
individuals, businesses, and/or corporations who
owned, operated, maintained supervised, designed,
constructed, repaired and/or controlled the vehicle
in question or otherwise employed the defendant),

Defendant(s).
-----X

Defendants John K. Wolf and Barr Nunn Transportation allege as follows for their notice
of removal:

Commencement Of The Action

1. On December 10, 2018, plaintiff Glenn Jones filed a complaint in a civil action in
New Jersey Superior Court, Morris County, under docket no. MRS-L-2424-18, seeking money
damages, resulting from a motor vehicle accident that allegedly occurred on April 4, 2018, in
Roxbury, New Jersey. Exhibit A.

2. No other pleadings, process or orders have been filed in the action.

Citizenship And Removability

3. Plaintiff alleges, *inter alia*, that defendants caused him to suffer “severe, serious and permanent injuries,” “great pain and anguish,” but the complaint does not state the amount of damages claimed.

4. On or about December 13, 2018, plaintiff’s counsel stated to defense counsel that plaintiff had undergone spinal fusion surgery as a result of the incident with is the subject of the action.

5. The allegations in the complaint and the advice as to the spinal fusion surgery show that amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. *See, e.g., Avant v J.C. Penney*, 2007 US Dist. LEXIS 44320 (D.N.J. June 19, 2007); *Garofalo v. Medtronic, Inc.*, 1997 U.S. Dist. LEXIS 24688 (D.N.J. June 17, 1997).

6. The citizenship of the parties was at the time the complaint was filed and is now completely diverse under 28 U.S.C. section 1332(a) in that plaintiff is a citizen of Nash County, North Carolina, residing at 1656 Bass Road, Nashville, NC 27856; defendant John K. Wolf is a citizen of Lucas County, Ohio, residing at 5906 Seaman Road, Oregon, OH 43616; and defendant Barr Nunn Transportation is an Iowa corporation with its principal place of business at 1803 Burr Oak Blvd, Granger, IA 50109.

7. This action is removable to this court under 28 U.S.C. section 1441 *et seq.* in that (a) the amount in controversy exceeds the sum of seventy-five thousand dollars exclusive of interest and costs; (b) the citizenship of the parties is completely diverse; (c) no defendant is a citizen of New Jersey; and (d) this notice is filed within 30 days of defendants’ receipt of the complaint and notice of the amount in controversy, and within one year of the commencement of the action.

8. The action is removed to this court.

Dated: New York, New York
January 7, 2018.

LESTER SCHWAB KATZ & DWYER, LLP
Attorneys for Defendants
John K. Wolf and Barr Nunn Transportation

By: s/Jeffrey A. Payne
Jeffery A. Payne